

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSEPH RAYMOND MCCOY,
Plaintiff,
v.
KATHILEEN ALISON, et al.,
Defendants.

No. 1:22-cv-00234 JLT EPG (PC)

ORDER ADOPTING IN FULL THE
FINDINGS AND RECOMMENDATIONS
AND DIRECTING PLAINTIFF TO PAY THE
\$402.00 FILING FEE IN FULL

(Doc. 6)

The assigned magistrate judge issued Findings and Recommendations that Plaintiff's application to proceed *in forma pauperis* be denied. (Doc. 6.) The magistrate judge found Plaintiff is subject to the three strikes bar under 28 U.S.C. § 1915(g) (*Id.* at 2-3) and that the allegations in Plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to Section 1915(g). (*Id.* at 3-4.) Therefore, the magistrate judge recommended Plaintiff be directed to pay the filing fee in full to proceed with this action. (*Id.* at 4.)

The Court served the Findings and Recommendations on Plaintiff, which contained notice that any objections thereto were to be filed within 14 days from the date of service. (Doc. 6 at 5.) In addition, the Court advised Plaintiff "that failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) Despite the Court granting Plaintiff an extension of time to file objections, he did not do so.

1 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of this
2 case. Having carefully reviewed the entire matter, the Court concludes the Findings and
3 Recommendations are supported by the record and by proper analysis. Accordingly, the Court

4 **ORDERS:**

- 5 1. The Findings and Recommendations entered on March 1, 2022 (Doc. 6), are
6 **ADOPTED** in full.
- 7 2. Pursuant to 28 U.S.C. § 1915(g), Plaintiff is not permitted to proceed *in forma*
8 *pauperis* in this action.
- 9 3. Within 30 days from the date of service of this order, Plaintiff **SHALL** pay in full
10 the \$402.00 filing fee for this action; and
- 11 4. Plaintiff is advised that failure to pay the required filing fee as ordered will result
12 in the dismissal of this action without prejudice.

13
14 IT IS SO ORDERED.

15 Dated: **April 11, 2022**


UNITED STATES DISTRICT JUDGE